

RESPONSE AND REMARKS

The Examiner organized the Office action by numbered topics. In this Response, citations to the Office action indicate the relevant topic number.

INFORMATION DISCLOSURE STATEMENT REFERENCE

In the Office action (Topic Number 10), the Examiner stated that, "[r]eference number 5 on the PTO-1449 filed 18 November 2004 has not been considered, since it can not be located." A duplicate copy of the Reference number 5 (a non-patent document by The Gale Group, entitled "A 'Blue Chip' Mailroom Investment" (Modern Office Technology, August 1984, Pg. 98., vol. 29)) that was cited in, and that was attached to (when filed), the Information Disclosure Statement filed November 17, 2004 and designated on the return postcard as received by the Patent Office on November 19, 2004, is attached hereto.

DRAWINGS

In the Office Action (Topic Number 3), the Examiner stated that "[t]he proposed drawing correction filed April 26, 2004 has been approved." Accordingly, corrected formal drawings for drawings 10A, 10B, 10C, 10D, 10E, 24, 25, 27A, 27B, 27C, 30, 31, 32, 33A, 33B, 36A, 36B, 36C, 36D, 36E, 36F, 37A, 37B, 39A, 39B, 39C, 43, 64A-1, 64A-2, 64B-1, 64B-2, 65A, 65B, and 72 are submitted herewith.

SPECIFICATION

In the Office Action (Topic Number 4(A)(1)(a)), the Examiner objected to the specification regarding element 3026 (of FIGS. 36C and 36D), if the answer to the inquiry at test 3026 is "No". It is respectfully submitted that the specification describes the path to step 3028 when the answer to test 3026 is "No" in that, in paragraph [0298] of the substitute specification at pages 57-58, the specification states:

- 1) determine if the particular carrier supports the given billing option based on step 2, 3026. If not, continue with the next carrier 3027; 2) Apply carrier

business rules . . . (If the rate input violates carrier business rules 3026, continue to next carrier 3027); 3) Determine the zone ID from CarrierZone table for the given origin/destination postal codes 3028...

It is respectfully submitted that the 3028 path for a "No" answer to the 3026 test is implicit in the above-cited disclosure in the specification of process 3028 to "Determine the zone ID...". Further, it is respectfully submitted that the disclosure of an application as filed includes the disclosure of a drawing in an application as filed. See, e.g., Wang Laboratories, Inc. v. Toshiba Corp., 993 F.2d 858, 866 (Fed. Cir. 1993) ("[D]rawings alone may provide a 'written description' of an invention as required by §112."); In re Wolfensperger, 302 F.2d 950, 955 (CCPA 1962). Even so, because amending the words of the specification to conform to originally filed drawings does not constitute adding new matter (See In re Wolfensperger, 302 F.2d at 955 ("Patent Office Rule 118 authorizes, by implication at least, the amendment of the words in the written specification so as to add statements not originally contained in it to conform to originally filed drawings... without violation of the statute and rule which prohibit 'new matter.'")), an amendment to paragraph [0298] of the substitute specification has been submitted above to more distinctly describe the "no" path from process 3026.

In the Office Action (Topic Number 4(A)(1)(b)), the Examiner objected to the specification regarding the "No" answer logic flow path to the inquiries of elements 1163, 1168, 1169, 1172, and 1175 of FIG. 39B. It is respectfully submitted that the referenced "No" paths are implied in the specification as follows: the 1163 "No" path is implied in paragraph [0318] of the substitute specification via the discussion of the 1163 "No" path, namely, test 1168; the 1168 "No" path is implied in paragraph [0320] of the substitute specification via the discussion of test 1169, which is the test that is performed for the 1168 "No" path; the 1169 "No" path is implied in paragraph [0322] of the substitute specification via the discussion of test 1172, which is the test that is performed for the 1169 "No" path; the 1172 "No" path is implied in paragraph [0324] of the substitute specification via the discussion of test 1175, which is the test that is

performed for the 1172 "No" path; and the 1175 "No" path is implied in paragraph [0326] of the substitute specification via the discussion of Next 1179, which is the step that is performed for the 1175 "No" path.

Further, it is respectfully submitted that the disclosure of an application as filed includes the disclosure of a drawing in an application as filed. See, e.g., Wang Laboratories, Inc. v. Toshiba Corp., 993 F.2d at 866 ("[D]rawings alone may provide a 'written description' of an invention as required by §112."); In re Wolfensperger, 302 F.2d at 955. Even so, because amending the words of the specification to conform to originally filed drawings does not constitute adding new matter (See In re Wolfensperger, 302 F.2d at 955), amendments to paragraphs [0318], [0320], [0322], [0324], and [0326] of the substitute specification have been submitted above to more distinctly describe the "no" paths from processes 1163, 1168, 1169, 1172, and 1175.

In the Office Action (Topic Number 4(A)(1)(c)), the Examiner objected to the specification regarding the "No" answer logic flow path to the inquiries of elements 1180, 1184, 1187, and 1190 of FIG. 36C. It is respectfully submitted that the referenced "No" paths are implied in the specification as follows: the 1180 "No" path is implied in paragraph [0328] via the discussion of test 1184, which is the test that is performed for the 1180 "No" path; the 1184 "No" path is implied in paragraph [0330] via the discussion of test 1187, which is the test that is performed for the 1184 "No" path; the 1187 "No" path is implied in paragraph [0332] via the discussion of test 1190, which is the test that is performed for the 1187 "No" path; and the 1190 "No" path is implied in paragraph [0332] via the discussion of proceeding with the next Carrier/Service in the delivery rate set 1157 "[i]f the particular Carrier/Service does not support 'Loss Protection' services...".

Further, it is respectfully submitted that the disclosure of an application as filed includes the disclosure of a drawing in an application as filed. See, e.g., Wang Laboratories, Inc. v. Toshiba Corp., 993 F.2d at 866 ("[D]rawings alone may provide a 'written description' of an invention as required by §112."); In re Wolfensperger, 302 F.2d at 955. Even so, because amending the words of the

specification to conform to originally filed drawings does not constitute adding new matter (See In re Wolfensperger, 302 F.2d at 955), amendments to paragraphs [0328], [0330], and [0332] of the substitute specification have been submitted above to more distinctly describe the "no" paths from processes 1163, 1180, 1184, 1187, and 1190.

SECTION 112

In the Office Action, the Examiner rejected Claims 1-11 and 31-40 under 35 U.S.C. § 112 on various grounds. The Examiner's various grounds for rejection of Claims 1-11 and 31-40 under 35 U.S.C. § 112 have been carefully considered. Amendments to Claims 1-4, 6-7, 9-10, and 31 of the present application to more distinctly claim the claimed invention are filed concurrently herewith; Claims 5, 8, 11 – 30, and 32-40 have been cancelled.

SECTION 101

In the Office Action, the Examiner rejected Claims 1-11 and 31-40 under 35 U.S.C. § 101 on various grounds. The Examiner's various grounds for rejection of Claims 1-11 and 31-40 under 35 U.S.C. § 101 have been carefully considered. Amendments to Claims 1-4, 6-7, 9-10, and 31 of the present application to more distinctly claim the claimed invention are filed concurrently herewith; Claims 5, 8, 11 – 30, and 32-40 have been cancelled.

SECTION 103(a)

In the Office Action, the Examiner rejected Claims 1-11 and 31-40 under 35 U.S.C. § 103(a) as being unpatentable over a PR Newswire release by TanData, reflecting a date of July 21, 1997 (referred to herein as "TanData") in view of either Lowery et al. (Int'l Publ'n No. WO 97/40617; "Lowery") or Brendel et al. (U.S. Patent No. 5,774,660; "Brendel").

The Examiner's rejection of Claims 1-11 and 31-40 under 35 U.S.C. § 103(a) has been carefully considered. Amendments to Claims 1-4, 6-7, 9-10, and 31 of the present application to more distinctly claim the claimed invention

are filed concurrently herewith; Claims 5, 8, 11 – 30, and 32-40 have been cancelled. New Claims 41-43 have been added.

It is respectfully submitted that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest all of the limitations of amended Claims 1-4, 6-7, 9-10, and 31 or new Claims 41-43 of the present application.

For example, amended independent Claim 1 is directed to a centralized computer system for managing shipping of a plurality of parcels by a plurality of users using a plurality of carriers comprising, among other things: "a plurality of functionally aligned server computer devices, wherein the plurality of functionally aligned server computer devices are adapted to communicate cooperatively, wherein each server computer device of the plurality of functionally aligned server computer devices is programmed to perform at least one particular shipping management function of a plurality of shipping management functions, wherein each particular shipping management function contributes to managing shipping of the plurality of parcels."

It is respectfully submitted that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest a centralized computer system for managing shipping of a plurality of parcels by a plurality of users using a plurality of carriers that comprises "a plurality of functionally aligned server computer devices ...", as claimed in amended independent Claim 1 (and as also claimed in one way or another, in amended independent Claims 6, 7, and 9).

Lowery discloses using an interceptor to intercept web page generation requests, and routing the requests to a dispatcher; the Lowery dispatcher receives the intercepted request, examines the request, and dispatches the request to one of a number of page servers. It is respectfully submitted that there is no disclosure in Lowery that the Lowery page servers are functionally aligned as are the functionally aligned servers claimed in one way or another in Independent Claims 1, 6, 7 and 9 in the present application.

Brendel discloses using a server farm with a load balancer. In Brendel, the load balancer determines an assigned server in a plurality of network nodes to respond to a request from a client. The load balancer determines an assigned server by comparing a requested resource indicated in the request from the client to an indication of "which network nodes in [a] plurality of network nodes contain each resource." Brendel, col. 6, lines 48-50. Brendel discloses that "[t]he invention has been described as a browser accessing a file on the server, but the file may actually be a resource which is not necessarily a traditional file. The file may be a program, applet, or script which is executed, or an interface into an SQL database or to fast or memory-intensive computational resource." Brendel, col. 20, lines 48-53. It is respectfully submitted that there is no disclosure in Brendel that the Brendel servers are functionally aligned as are the functionally aligned servers claimed in one way or another in Independent Claims 1, 6, 7 and 9 in the present application.

As further distinguished from the cited references, amended independent Claim 1 is directed to a centralized computer system for managing shipping of a plurality of parcels by a plurality of users using a plurality of carriers that further comprises, among other things: "at least a second server computer device of the plurality of functionally aligned server computer devices that is programmed to perform a first particular shipping management function, wherein said first particular shipping management function comprises rating each respective request by each respective user of the plurality of users to ship a respective parcel, wherein rating for a respective parcel is performed by the second server computer device according to a respective shipping input from a respective user via a respective client computer device, and wherein rating for the respective parcel is performed by the second server computer device for each delivery service offered by each carrier of a plurality of carriers that would ship the respective parcel."

It is respectfully submitted that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest a centralized computer system for managing shipping of a plurality of parcels by a

plurality of users using a plurality of carriers that comprises "at least a second server computer device of the plurality of functionally aligned server computer devices that is programmed to perform ... rating ...", as claimed in amended independent Claim 1.

It is respectfully submitted that amended independent Claim 31 is similarly distinguished from the cited references in that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest "... a [] server computer device that is programmed to ... calculate at least a first respective shipping rate for a first carrier to ship the respective parcel via a first delivery service, to calculate at least a second respective shipping rate for the first carrier to ship the respective parcel via a second delivery service, and to calculate at least a third respective shipping rate for a second carrier to ship the respective parcel via a third delivery service ..." as claimed in amended independent Claim 31.

It is respectfully submitted that amended independent Claim 1 is further distinguished from the cited references in that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest "... a third server computer device ... that is programmed to ... providing tracking information to a respective user regarding a respective shipping status corresponding to a respective parcel that was shipped by the respective user using a respective carrier, wherein the second server computer device does not provide tracking information regarding the respective shipping status corresponding to the respective parcel, and wherein the third server computer device does not perform rating for the respective parcel."

It is respectfully submitted that amended independent Claim 6 is further distinguished from the cited references in that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest "... a second server computer device ... that is programmed to receive a respective access by one or more respective users ... of a respective unique tracking number ... [and] is further programmed to respond to the respective input of the respective unique tracking number by determining a carrier

associated with the respective unique tracking number, wherein the second server computer is further programmed to further respond to the respective input of the respective unique tracking number by obtaining carrier tracking information corresponding to the unique tracking number from a respective carrier computer system ..." as claimed in amended independent Claim 6.

It is respectfully submitted that amended independent Claim 7 is further distinguished from the cited references in that none of the TanData, Lowery or Brendel references, even when considered in combination, disclose, teach or suggest "a [] server computer device ... that is programmed to ... calculate a first respective shipping rate for a first carrier to ship the respective parcel via a first delivery service, to calculate a second respective shipping rate for a second carrier to ship the respective parcel via a second delivery service, and to calculate a third respective shipping rate for the first carrier to ship the respective parcel via a third delivery service ..." as claimed by amended independent Claim 7 (and as similarly claimed in one way or another in amended independent Claims 9 and 31).

As distinguished from the TanData, Lowery or Brendel references, new Claim 41 is directed to a centralized computer system for managing shipping of a plurality of respective parcels by a plurality of respective users using any carrier of a plurality of carriers, said centralized computer system comprising at least a first server computer device that is programmed to:

- receive an online tracking request for a respective particular parcel from a respective remote client computer device, wherein the online tracking request comprises a tracking number that corresponds to the respective particular parcel;

- identify a respective carrier of a plurality of carriers, wherein the respective carrier corresponds to the tracking number;

- poll, via a global communications network, a respective carrier shipping status system for the respective carrier for a shipping status of the respective particular parcel; and

- respond to the online tracking request with a display to a display device in communication with the respective remote client computer device, of the shipping status of the respective particular parcel.

As distinguished from the TanData, Lowery or Brendel references, new Claim 42 is directed to a centralized computer system for managing shipping of a plurality of respective parcels by a plurality of respective users using any carrier of a plurality of carriers, said centralized computer system comprising at least a first server computer device that is programmed to:

respond to each respective request by each respective user of a plurality of users to ship a respective parcel via a respective remote client computer device, by applying a set of carrier-specific shipping location rules for each respective carrier of a plurality of carriers to a respective default shipping location associated with the respective user and to a respective set of parcel specifications input by the respective user, wherein each respective user accesses the shipping management computer system over a global communications network using a respective user client computer device, and wherein each respective user client computer device is adapted for communication with the global communications network;

further respond to each respective request by determining each respective carrier that would support shipping the respective parcel from the respective default shipping location associated with the respective user; and

yet further respond to each respective request by generating a simultaneous online comparison display to a display device in communication with the respective remote client computer device, wherein said simultaneous online comparison display comprises an indication of each respective carrier of the plurality of carriers that would support shipping the respective parcel from the respective default shipping location associated with the respective user.

As distinguished from the TanData, Lowery or Brendel references, new Claim 43 is directed to a centralized computer system for managing shipping of a plurality of respective parcels by a plurality of respective users using any carrier of a plurality of carriers, said centralized computer system comprising at least a first server computer device that is programmed to:

receive each respective request, from each respective user of each respective remote user client computer device of a plurality of respective remote user client computer devices, for shipping information for a proposed shipment of a respective parcel, wherein each respective request comprises an input by the respective user via a respective remote user client computer device of a respective origin identifier, a respective delivery destination identifier, and a respective set of parcel specifications;

respond to each respective request by calculating a service-

specific, carrier-specific shipping rate for each respective delivery service of a plurality of delivery services offered by each respective carrier of a plurality of carriers that would support shipping the respective parcel, wherein said service-specific, carrier-specific shipping rate is calculated according to at least the respective origin identifier, the respective delivery destination identifier, the respective set of parcel specifications, and a respective set of rules for the respective delivery service and the respective carrier; and

further respond to each respective request by displaying to a respective display device in communication with the respective remote user client computer device, a simultaneous online comparison comprising at least each service-specific, carrier-specific shipping rate calculated for the respective request.

CONCLUSION

For all of the foregoing reasons, it is therefore respectfully submitted that amended independent Claims 1, 6, 7, 9, and 31, and new Claims 41-43, are patentable over the cited references. It is therefore respectfully submitted that amended dependent Claims 2-4, and 10 are patentable over the cited references.

Accordingly, because for the foregoing reasons it is respectfully submitted that amended Claims 1-4, 6-7, 9-10, 31, and new Claims 41-43 of the present application are patentable over the cited references, it is therefore respectfully submitted that the invention disclosed and claimed in the present application, as amended, is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance.

Application Serial No. 09/684,010

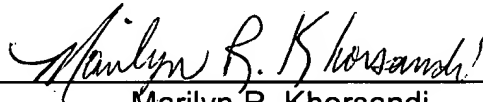
Amendment and Response to Office Action dated February 2, 2005

Accordingly, reconsideration and allowance of the application as reflected in the previously submitted substitute specification and in the amendments to the claims and specification as submitted herewith are respectfully requested.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By



Marilyn R. Khorsandi

Reg. No. 45,744

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